

**South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., August 14, 2017
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29210**

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the S. C. Board of Barber Examiners office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.
- b. Rules of the Meeting
- c. Pledge of Allegiance

2. Introduction of Board Members and All Other Persons Attending

Chairman Paul E. Robinson called the meeting of the S.C. Board of Barber Examiners to order. Other Board members participating in the meeting included:

- ❖ Renee Patton
- ❖ Edwin Barnes

Other persons in attendance included: Theresa Brown, Administrator; Mary League, Advice Counsel; Shalon Genwright, Staff; Jennifer Stillwell, Office of Investigations and Enforcement (OIE); Sharon Wolfe, Office of Investigations and Enforcement (OIE); Tracey Perlman, Office of Disciplinary Counsel (ODC); Johnnie Rose, Staff; Marcus Rush, Staff; Tina Behles, Court Reporter

3. Approval of Excused Absences

Mr. Edwin Barnes made a motion to excuse the absence of Dr. Frederick Evans. The motion was seconded by Ms. Renee Patton and it carried.

4. Approval of Agenda

Mr. Barnes made a motion to approve the agenda for the meeting and it was seconded by Ms. Patton. The motion carried.

5. Approval of Meeting Minutes

June 12, 2017

Mr. Barnes made a motion to approve the meeting minutes for the June 12, 2017, meeting and it was seconded by Ms. Patton. The motion carried.

6. Chairperson's Remarks – Paul E. Robinson – A moment of silence was observed for those in Charlottesville, Virginia and the country at this time.

7. Administrator's Remarks, For Information – Theresa N. Brown

- a. **Budget/Drawdowns** – For Information – Drawdowns were completed on July 11, 2017. It looks as though the board is moving in the right direction. There may still be questions and they are requesting someone from the finance team to come in at the next meeting to answer/clarify any questions the board members may have.
- b. **OIE Report** – For Information - Sharon Wolfe – So far this year, 89 complaints have been received that consists of different alleged issues. Most of the issues deal with unlicensed practice. There were 35 cases that dealt with unlicensed practice and 14 cases that dealt with allowing unlicensed practice. There were 12 cases that by the time they were received online, the issues were unknown. 102 cases have been closed since the beginning of the year.
- c. **IRC Report** – For Approval - Sharon Wolfe – The report still has to be approved, although the case was dismissed. There was no violation for unlicensed practice seen when the investigator got to the barbershop. Everyone was properly licensed. A motion was made by Ms. Patton to accept the IRC report and it was seconded by Mr. Barnes. The motion carried.
- d. **ODC Report** – For Information – Tracey Perlman – There are currently 26 open cases, where 23 are

pending action, and 3 are pending hearings at this meeting. Since June 12, 2017, 17 cases have been closed. The vast majority of the cases are still for late reports of student hours. Second and third reports are coming in late by the same instructors as well. The timeframe that they are late has diminished as the process has changed. This is in reference to hearing the cases sooner. On two occasions, information was sent out to licensees in reference to late student reports. For the most part, the instructors know that they are late and sign the consent agreement.

- e. **Inspection Report** – For Information – Eric Thompson – Ms. Jennifer Stillwell went over the inspection report in Mr. Thompson's absence. In June, there were 129 attempted barbershop inspections with 114 barbershops physically being inspected. In July, there were 168 attempted barbershop inspections with 148 barbershops physically being inspected. Since the beginning of the year, 918 inspections were attempted, with 791 barbershops being physically inspected. The barbershops are doing better as far as cleanliness.

8. Old Business

There was no old business.

9. New Business

a. Executive Session

- i. Legal Advice Regarding Section 40-7-285 (S.C. Code of Laws)

A motion was made by Mr. Barnes to go into an executive session for legal advice regarding section 40-7-285 in the Code of Laws. The motion was seconded by Ms. Patton and it carried. Ms. Theresa Brown was requested to be a part of the executive session.

Mr. Barnes made a motion to come out of the executive session and it was seconded by Ms. Patton. The motion carried.

There were no motions made or votes taken during the executive session.

Ms. Patton made a motion to establish a task force to review the barber statutes for updating and it was seconded by Mr. Barnes. The motion carried.

The statute refers to cosmetologist professionals working in a barbershop. The scopes of practice for each credential needs to be adhered to. The barber statutes are clear, whereas the cosmetology statutes are not clear in terms of addressing barbers being able to work in a licensed salon.

b. Consideration of a Third Student Permit

- i. Derek Behlke

Per Ms. Brown, the situation has already been resolved.

c. Applications with Issues

- i. Kenneth Pressley

Mr. Pressley was present and seeking approval to gain licensure as a Barber Instructor.

A motion was made by Ms. Patton to go into a closed session in order to be in compliance with state and federal laws. The motion was seconded by Mr. Barnes and it carried.

Ms. Patton made a motion to go into an executive session for legal advice regarding this matter. The motion was seconded by Mr. Barnes and it carried.

Mr. Barnes made a motion to come out of the executive session and it was seconded by Ms. Patton. The motion carried.

There were no motions made or votes taken during the executive session.

Ms. Patton made a motion to grant Mr. Kenneth Pressley the ability to gain his Barber Instructor license with conditions. The motion was seconded by Chairperson Robinson and it carried.

A motion was made by Ms. Patton to come out of the closed session and it was seconded by Mr. Barnes. The motion carried.

ii. Anor Burnside, Jr.

Mr. Burnside is seeking approval to gain licensure as a Registered Barber Apprentice with a criminal background report. He is asking for a second chance as he was a young man then and made a mistake. He has spent eight years in the federal prison and would like a chance to steer the youth in the right direction. There is a barbershop in Mauldin that he would be working at. He completed his barber schooling at Fayetteville Technical College. He has been out of prison for almost three years and has not been in any trouble since he has been home and has walked a straight and narrow path by working and attending barber school. Mr. Burnside is currently on probation for five years that began when his sentence ended. He has successfully completed the theory examination in May. A recommendation letter from his instructor was given to the board members to read.

A motion was made by Ms. Patton to grant Mr. Anor Burnside, Jr., his Registered Barber Apprentice license with conditions. The motion was seconded by Chairperson Robinson and it carried.

d. **Request for Student Permit**

i. Ronnie Simmons

Mr. Simmons is seeking permission for a student permit in order to receive refresher training to successfully complete the Registered Barber examination. His Barber Instructor, Mr. Isreal Jenkins, was also present and served as a witness. Mr. Simmons has obtained all of his barber hours and barbering is something that he likes to do. He loves cutting kids' hair, along with giving them positive vibes. The kids love when he cuts their hair as well. He would rather have the refresher training in the barbershop, instead of on his own. All of the barber hours were obtained under Mr. Jenkins. The last student permit received was in 2004 and requirements have changed since then. Mr. Jenkins currently has no other OJT students and he has not attended any training on test updates. Mr. Jenkins states that it is possible that students sometimes go blank during testing and attested that Mr. Simmons is a good, young man and student. The kids love him and his personality. He is the best student that Mr. Jenkins has ever trained and he takes him as his own son. Mr. Jenkins is looking to retire soon and will need someone to take over his business.

Ms. Brown stated that there is no account that money was accepted for a permit. Ms. League stated that the statute gives latitude for additional training permits and that we cannot say how many permits he has officially been given.

Mr. Simmons stated that he was scheduled to take the examination four months ago, but was late, so he was not able to take the examination.

Mr. Barnes wants them to understand that the test has changed and that it is not the same as it was from five (5) years ago. He was adamant about Mr. Jenkins needing to learn the new information as well. Neither party knows anything about thermal curling, which is seen on the examination now.

A motion was given by Ms. Patton to grant Mr. Ronnie Simmons with a student permit, with the intention for this to be his last student permit. The motion was seconded by Chairperson Robinson and it carried.

A brief break was then given.

e. **Regulatory Review Pursuant to Executive Order 2017-09**

Upon taking office, one of Governor McMaster's first acts was to issue an executive order asking all cabinet agencies to take a look at their regulations and analyze them from the viewpoint of furthering a business friendly environment in South Carolina. Each board within LLR is being asked to look at their

regulations to identify and categorize them. No changes are needed at this time.

The board considered regulations pursuant to the executive order and prepared a report to be forwarded to the governor.

A motion was made by Ms. Patton for Chairperson Robinson to sign the report on behalf of the board with the information as just reported. The motion was seconded by Mr. Barnes and it carried.

10. Hearings – Tracey Perlman

i. 2016-99

This case was in the matter of Mr. John Catchings who was not present. The notice was mailed to him via regular and certified mail. The certified mail was returned as unclaimed with the Post Office giving a different address than what the agency has on file. The notice will be resent to Mr. Catchings for rescheduling.

ii. 2016-116

This case was in the matter of Mr. Hammett Lemmon. He admitted that the monthly student report was late as the September 2016 report was not received until November 2016. He sent a letter in response to the formal complaint as he wanted to discuss the fine and the circumstances surrounding the late report. Mr. Lemmon has been trying to learn how to e-mail the reports and regrets that this has happened. He has been working for 28 years and never had any infractions and does not want this on his record or to pay the fine. On inspections, he has never received less than a 95. He was unaware that it could be placed in the mail, as he mostly faxed his hours before. Hours can no longer be faxed.

A motion was made by Ms. Patton to go into an executive session for legal advice on this case and it was seconded by Mr. Barnes. The motion carried.

Mr. Barnes made a motion to come out of the executive session. The motion was seconded by Ms. Patton and it carried.

There were no motions made or votes taken during the executive session.

Ms. Patton made a motion that the state proved its case and that Mr. Lemmon will be fined \$100 to be paid within 30 days with no public reprimand. This is in reference to his instructor license. The motion was seconded by Mr. Barnes and it carried.

The mitigating circumstances were the miscommunication on how to get the hours sent in. They may be e-mailed and sent by postal mail.

iii. 2017-3

This case was in the matter of Mr. Eric Bracey and late monthly student reports. This is his second violation. The late reports are from October 2016. Mr. Bracey asked that leniency is shown. Ms. Perlman spoke to Mr. Bracey at length in reference to the case. He is new to the instruction industry and this was his first student. He takes complete fault for the violation, but after the first violation, he did not have a chance to correct anything. The student was sending the hours in. Mr. Bracey's OJT instructor did the same thing with him. He is aware that they may be mailed as well and will now personally deliver them. Ms. Perlman stated that no hearing had been done on the first violation when the second violation came in.

Ms. Patton made a motion that the state proved its case and Mr. Bracey will be fined \$250 to be paid within 90 days. This fine will be seen on his instructor license. The motion was seconded by Mr. Barnes and it carried.

11. Discussion

There was no discussion.

12. Board Member Reports

Ms. Patton stated that she appreciates the staff participating in reaching out to the students and thinks that it will make a difference in the NABBA conference. Everything is flowing along and she looks forward to everyone being there. Mr. Barnes is her Parliamentarian and Chairperson Robinson will be her Conference Chair, so he will be the go to person to ensure everything is in order. They both will also have their own itinerary. There are a lot of local schools participating and from other states as well. There will be a past presidents meeting on that Sunday. There will be a party for their retired CEO on Tuesday night, which will be a low country boil. Friends and spouses are invited. Gifts and money will be accepted. During the conference, there will be events planned for spouses as well. There will not be gift exchanges on this year and each state has been notified of such.

Chairperson Robinson mentioned the awards that Mr. Barnes suggested at the last meeting and stated that it will be discussed to get done. NAABA has a meeting with a congressman within the next few weeks to present the award suggestion on a national level. This is also in reference to the state Barber Day.

13. Public Comments

There were no public comments.

14. Adjournment

Ms. Patton made a motion to adjourn the meeting and it was seconded by Mr. Barnes. The motion carried.

The meeting adjourned at 12:00 p.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for October 9, 2017.